IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 965/2006
DEVLI & ORS. Vs. STATE OF RAJASTHAN

DATE: 22.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Biri Singh for the accused-petitioners.
Mr. Ashwini Kumar Sharma, PP for the State.

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This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 20.06.2006 passed by the Additional District & Sessions Judge No.1, Deeg in Case No. 47/2005, whereby the Court below has framed the charges against the accused-petitioners for the offence under Sections 147, 323, 323/149, 325, 325/149, 307 and 307/149 IPC.

Learned counsel for the accused-petitioners submits that as per the nature of injuries and the opinion expressed by the Radiologist after conducting X-ray, charge for the offence under Section 307 IPC is not made out against the accused-petitioners.

I have heard learned counsel for the accused-petitioners, learned Public Prosecutor for the State and have also gone through the impugned order as also the relevant record.

I have also perused the injury reports of Yoganand Saraswati and Ramanand. As per the injury report of Yoganand Saraswati, he sustained fracture in the middle of right ulna, but so far as Ramanand is concered, no bony injury is found in X-ray.

Considering the nature of the injuries it is not dangerous to life and I am fully convinced with the submissions made on behalf of the accused-petitioners that at the most offence under Section 325 IPC is made out against the accused-petitioners and no case under Section 307 IPC is made out against them.

In view of these facts, the impugned order dated 20.06.2006 passed by the Additional District & Sessions Judge No.1, Deeg is modified to the extent that so far as framing of the charge under Section 307 IPC against the accused-petitioners is concerned, the impugned order dated 20.06.2006 is hereby quashed and set-aside, but the rest of the impugned order shall remain in force.

Consequently, the revision petition stands disposed of as indicated herein above.

Record be sent back.

(K.S. RATHORE),J.

/KKC/